**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

**W.P.No.20640 of 2007**

Between:

Cheeli Kesavaiah.

.. PETITIONER

and

The Tahsildar and another.

.. RESPONDENTS

**ORDER:**

It is the case of the petitioner that the land admeasuring Ac.1-65 cents

in Sy.No.1755/3 and Ac.0-84 cents in Sy.No.1568/A situated at Chennampalli village, Badvel Mandal, Kadapa District, was assigned in favour of the petitioner's father namely Cheeli Dasaraiah vide D.K.T.No.1717/64, dated 13-06-1955. After the death of the said Cheeli Dasaraiah, the petitioner and his two brothers succeeded the said property. While so, the 2nd respondent filed a suit O.S.No.656 of 1995 on the file of Junior Civil Judge, Badvel, against the petitioner herein and his two others, the District Collector, Kadapa as well as the 1st respondent herein, seeking permanent injunction restraining the defendants therein from interfering with her peaceful possession and enjoyment of the suit schedule property alleging that though originally the said land was assigned in favour of the petitioner's father in the year 1954, but subsequently, the Government resumed the said land and assigned the same in favour of the 2nd respondent herein vide D.K.T. dated 16-12-1987. It is further stated that the said assignment granted in favour of the 2nd respondent herein was cancelled in the month of November, 1991, and against which, the 2nd respondent herein preferred an appeal before the Sub-Collector, Rajampet and the said appeal has been allowed by restoring possession in favour of the 2nd respondent herein. However, the said suit filed by the 2nd respondent herein was decreed through judgment and decree, dated 29-08-2003. Aggrieved by the same, the petitioner and his two brothers filed A.S.No.29 of 2003 on the file of Additional Senior Civil Judge, (Fast Track Court), Rajampet at Badvel. The Appellate Court through judgment and decree, dated 24-02-2006 allowed the appeal setting aside the judgment and decree of the trial court dated 29-08-2003. Aggrieved by the same, the 2nd respondent herein filed S.A.No.508 of

2006 on the file of this Court and obtained status-quo order in S.A.M.P.No.1194 of 2006 on 31-07-2006. It is stated that though the petitioner is in possession of the land in question, the 1st respondent with the help of one Gurvaiah started interfering with the peaceful possession and enjoyment of the property in question.

I am of the opinion that when the subject matter of the disputed property is pending on the file of this Court in S.A.No.508 of 2006 and if there is any violation of the status-quo order, it is always open for the petitioner to take appropriate steps in the pending Second Appeal alone, but it is not open for the petitioner to file an independent writ petition seeking a Writ of Mandamus declaring the action of the 1st respondent in interfering with the peaceful possession and enjoyment of the property in question, as illegal and arbitrary. Therefore, I am of the opinion that it is not open for the petitioner to pursue parallel proceedings.

Accordingly, the writ petition is dismissed with liberty to take appropriate steps in the pending Second Appeal. There shall be no order as to costs.

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01-10-2007

Prv